

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86010527
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86010527/large
LITERAL ELEMENT	INNATIA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<p>Applicant must respectfully insist in its disagreement with the entered Section 2(d) refusal. The refusal again equates applicant's catalog ordering services, on-line retail store services and retail store services featuring MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS and ANIMAL FOOD with the registrant's online store services and retail and services and computerized online ordering of health products. In order words, the office action states that the goods object of both applicant's and registrant's services are related because MINERAL SUPPLEMENTS and VITAMIN SUPPLEMENTS are ?health? products. Applicant respectfully disagrees. The term ?health? is very very broad. There is an infinite number of goods in the market related to human health available in the market ranging from foods to medicines to lotions to medical equipment to videos and movies, to clothing, among others. The MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS may be somewhat related to HEALTH PRODUCT but again, MINERAL SUPPLEMENTS AND VITAMIN SUPPLEMENTS are very specific lines of products. And again, the truth of the matter is that applicant already owns a standard character registration of the mark INNATIA covering MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS and FOOD FOR ANIMALS in classes 5 and 31, registration number 4485228, dated February 18, 2014. This registration has coexisted with the INNATIA registration that is being cited against the applied for mark for well over two years now. Applicant has already been granted the exclusive right to use the mark INNATIA in connection with MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS and FOOD FOR ANIMALS. Given this reality, there is no reason to not allow applicant to now register the mark INNATIA in connection with the catalog ordering services of those goods, retail store services featuring those goods and on-line retail store services featuring those goods. Not allowing applicant to do so limits applicant's property rights over its mark INNATIA in the sense that applicant is not being allowed to market and sell its goods under the same mark. Name recognition is essential in the globalized market and companies do strive to build their marks. Again, applicant already owns a registration of the mark INNATIA in connection with ?catalog ordering services, on-line retail store services and retail store services featuring MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS and ANIMAL FOOD.? Applicant is not requesting anything to which it is not entitled. To the contrary, applicant desires to sell its INNATIA products under the mark INNATIA. Applicant is simply requesting that it be allowed to exercise fully the property rights over the mark INNATIA it already possesses, as any owner of a registered trademark would. Applicant respectfully requests that the entered refusal be reconsidered and that in consequence, the applied for mark be approved and allowed to proceed to publication. Respectfully submitted.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Arturo Perez-Guerrero/
SIGNATORY'S NAME	Arturo Perez-Guerrero
SIGNATORY'S POSITION	Applicant's attorney, Puerto Rico bar member
SIGNATORY'S PHONE NUMBER	787 722-3446
DATE SIGNED	08/18/2016
AUTHORIZED SIGNATORY	YES

CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Aug 18 23:13:08 EDT 2016
TEAS STAMP	USPTO/RFR-XX.XXX.XXX.XXX- 20160818231308232364-8601 0527-550b585518a119735634 0f17e566486cd4223fc595eeb 7c9ebf48afe1bcfa414ee9-N/ A-N/A-2016081823102989770 8

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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86010527** INNATIA(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86010527/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Applicant must respectfully insist in its disagreement with the entered Section 2(d) refusal. The refusal again equates applicant's catalog ordering services, on-line retail store services and retail store services featuring MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS and ANIMAL FOOD with the registrant's online store services and retail and services and computerized online ordering of health products. In order words, the office action states that the goods object of both applicant's and registrant's services are related because MINERAL SUPPLEMENTS and VITAMIN SUPPLEMENTS are "health" products. Applicant respectfully disagrees. The term "health" is very very broad. There is an infinite number of goods in the market related to human health available in the market ranging from foods to medicines to lotions to medical equipment to videos and movies, to clothing, among others. The MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS may be somewhat related to HEALTH PRODUCT but again, MINERAL SUPPLEMENTS AND VITAMIN SUPPLEMENTS are very specific lines of products. And again, the truth of the matter is that applicant already owns a standard character registration of the mark INNATIA covering MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS and FOOD FOR ANIMALS in classes 5 and 31, registration number 4485228, dated February 18, 2014. This registration has coexisted with the INNATIA registration that is being cited against the applied for mark for well over two years now. Applicant has already been granted the exclusive right to use the mark INNATIA in connection with MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS and FOOD FOR ANIMALS. Given this reality, there is no reason to not allow applicant to now register the mark INNATIA in connection with the catalog ordering services of those goods, retail store services featuring those goods and on-line retail store services featuring those goods. Not allowing applicant to do so limits applicant's property rights over its mark INNATIA in the sense that applicant is not being allowed to market and sell its goods under the same mark. Name recognition is essential in the globalized market and companies do strive to build their marks. Again, applicant already owns a registration of the mark INNATIA in connection with "catalog ordering services, on-line retail store services and retail store services featuring MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS and ANIMAL FOOD." Applicant is not requesting anything to which it is not entitled. To the contrary, applicant desires to sell its INNATIA products under the mark INNATIA. Applicant is simply requesting that it be allowed to exercise fully the property rights over the mark INNATIA it already possesses, as any owner of a registered trademark would. Applicant respectfully requests that the entered refusal be reconsidered and that in consequence, the applied for mark be approved and allowed to proceed to publication. Respectfully submitted.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Arturo Perez-Guerrero/ Date: 08/18/2016

Signatory's Name: Arturo Perez-Guerrero

Signatory's Position: Applicant's attorney, Puerto Rico bar member

Signatory's Phone Number: 787 722-3446

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86010527

Internet Transmission Date: Thu Aug 18 23:13:08 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.XXX.XXX-201608182313082

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